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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/485,468 02/08/00 BIERWIRTH

F P0720/7000

EXAMINER

PM92/1221

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VARNER, S

ART UNIT

PAPER NUMBER

3635

DATE MAILED:

12/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/485,468	Applicant(s) BIERWIRTH, FRIEDHELM	
	Examiner Steve M Varner	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2, 6, 7 and 29 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 8-28 is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 20) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Objections

Claim 9-12, 16, 18-21, 23-28 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims 9-12 have not been further treated on the merits. Claims 13-15 and 17 are objected to as being dependent upon multiple dependent claims which have been objected to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 2, 6, 7 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kalpin.

Regarding claim 2, Kalpin shows a support point on a coupling element that is supported from the oscillating base by supporting elements. These supports are Virtual Pendulums. (Fig. 1)

Regarding claim 6, Kalpin shows a plurality of supporting elements supporting the coupling element which are connected to the base. (Fig. 1)

Regarding claim 7, Kalpin shows the support point for the object is positioned above the plane formed by the plurality of bearing points on the coupling element for the supporting elements. (Fig. 1)

Regarding claim 29, Kalpin discloses a coupling element directly serving as a bearing. (Fig. 1)

Claim 1 is allowed.

Claim 3, 4, 5, 8, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 3 is allowable for the unsupported pendulum/supported pendulum combination required to elevate at one side and lower at the other side. Claim 4 is allowable for the two bearings. Claim 5 is allowable for two connections to the load support. Claim 8 is allowable for the one-axial bearing in the middle of its support element. Claim 22 is allowable for the two hanging pendulums with one standing pendulum.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Medeot et al. discloses a Load dissipating and limiting device. Mori teaches an earthquake-proof foundation. Toyama teaches a support device. Baratoff et al. discloses shock isolators.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone numbers

Application/Control Number: 09/485,468

Page 4

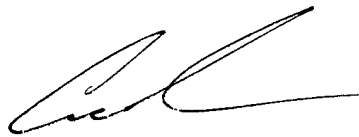
Art Unit: 3635

for the organization where this application or proceeding is assigned are 703 305-7687
for regular communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is 703 308-
1113.

SV 

December 6, 2000



Carl D. Friedman
Supervisory Patent Examiner
Group 3600